IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.39240 of 2008
RAHUL KUMAR SINGH
Versus
STATE OF BIHAR

For the Petitioner : Mr. Ashok Kumar Jha, Advocate.
For the State: Mr. Dinesh Singh, APP.

03 22.12.2008 Petitioner seeks bail in a case instituted under Section 392 of the Penal Code.

First Information Report has been lodged against one person, namely, Bimlendu Kumar who is said to be involved in snatching of the motorcycle along with two three unknown miscreants.

Learned counsel for the petitioner submits that one of the co-accuseds, namely, Bimal Kumar @ Gautam was subsequently arrested who is said to have made a confessional statement naming this petitioner as one of the co-accuseds. It further appears that on the basis of the said confessional statement petitioner was arrested on 02.02.2008 and it further appears that he is on record as having made inculpatory confessional statement. It further appears that on the basis of such statement a country made fire arm was recovered from the house of the petitioner. Learned counsel for the petitioner submits that aforesaid co-accused, namely, Bimal Kumar @ Gautam has been released on bail by this court under orders dated 02.05.2008 passed in Cr. Misc. No. 16456 of 2008. It has further been submitted that so far the recoveries of fire arm are concerned; a separate case has been

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lodge in which the petitioner has been released on bail.

Learned counsel for the petitioner emphatically asserted before this court that apart from these two cases there is no criminal case pending against the petitioner.

Learned A.P.P. appearing on behalf of the State after perusal of the case diary has not been able to controvert the said factum.

Having considered the facts appearing from the record and keeping in view the fact that co-accused, namely, Bimal Kumar @ Gautam has since been released on bail by this court, this court is inclined to admit the petitioner to bail.

Let the petitioner, namely, Rahul Kumar Singh, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi, in connection with Bathnaha P.S. Case No. 02/2008, subject to the condition that one of the bailors should be the own/close family member of the petitioner.

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Sym **(Kishore K. Mandal, J.)**